

PREVAILED

Roll Call No. _____

FAILED

Ayes _____

WITHDRAWN

Noes _____

RULED OUT OF ORDER

HOUSE MOTION _____

MR. SPEAKER:

I move that House Bill 1422 be amended to read as follows:

- 1 Page 1, delete lines 1 through 17, begin a new paragraph and insert:
- 2 "SECTION 1. IC 13-14-12-1 IS AMENDED TO READ AS
- 3 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) The officials
- 4 collecting the following shall remit the money to the treasurer of state:
- 5 (1) Money collected under the following:
- 6 (A) IC 13-30-4-1.
- 7 (B) IC 13-30-4-2.
- 8 (C) IC 13-30-5-1.
- 9 (2) Fees collected under IC 13-16-1-2 through IC 13-16-1-5.
- 10 (3) Fees collected under IC 13-22-4-5.
- 11 **(4) Environmental enforcement fees ordered under**
- 12 **IC 13-30-6-8.**
- 13 (b) The treasurer of state shall credit the money to the
- 14 environmental management special fund.
- 15 SECTION 2. IC 13-30-6-8 IS ADDED TO THE INDIANA CODE
- 16 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE
- 17 UPON PASSAGE]: **Sec. 8. (a) This section applies to a criminal**
- 18 **violation under section 1 or 3 of this chapter.**
- 19 **(b) In addition to any sentence imposed under this chapter,**
- 20 **sentence imposed under IC 35-50, and restitution ordered imposed**
- 21 **under IC 35-50-5-3, the court may, as a condition of probation or**
- 22 **without placing a person on probation, order the person to**
- 23 **pay an environmental enforcement fee to the state.**
- 24 **(c) The amount of the fee imposed under this section may not**

1 exceed the greater of the following:

2 (1) Twenty-five thousand dollars (\$25,000) for each day that
 3 the person committed the violation, if the person does not
 4 have a previous unrelated conviction under IC 13-30-6-1,
 5 13-30-6-3, or IC 13-7-13-3 (before its repeal).

6 (2) Fifty thousand dollars (\$50,000) for each day that the
 7 person committed the violation, if the person has a previous
 8 unrelated conviction under IC 13-30-6-1, IC 13-30-6-2,
 9 IC 13-30-6-3, or IC 13-7-13-3 (before its repeal).

10 (d) An order issued under this section is a judgment lien that:

11 (1) attaches to the property of the person subject to the order;

12 (2) may be perfected;

13 (3) may be enforced to satisfy any payment that is delinquent
 14 under the restitution order by the person in whose favor the
 15 order is issued or the person's assignee; and

16 (4) expires;

17 in the same manner as a judgment lien created in a civil
 18 proceeding.

19 (e) When an order is issued under this section, the issuing court
 20 shall send a certified copy of the order to the clerk of the circuit
 21 court in the county where the offense was filed. Upon receiving the
 22 order, the clerk shall enter and index the order in the circuit court
 23 judgment docket in the manner prescribed by IC 33-17-2-3.

24 (f) An order under this section does not bar a civil action for
 25 damages incurred by:

26 (1) the state that are payable to any fund other than the
 27 environmental management special fund; and

28 (2) a person other than the state.

29 (g) An order under this section is not discharged by the:

30 (1) completion of a sentence imposed for the violation; or

31 (2) liquidation of a person's estate by a receiver under
 32 IC 34-48-1, IC 34-48-4, IC 34-48-5, and IC 34-48-6 (or
 33 IC 34-1-12 and IC 34-2-7 before their repeal).

34 (h) The clerk of the court shall deposit fees collected under this
 35 section with the treasurer of state under IC 13-14-12-1."

36 Page 2, delete lines 1 through 27.

37 Page 2, line 28, delete "IC 13-30-6-1" and insert "**IC 13-30-6-8**".

38 Page 2, line 29, delete "amended" and insert "**added**".

39 Page 2, line 30, delete "amendment to IC 13-30-6-1 made by this
 40 act." and insert "**provision of this act adding IC 13-30-6-8**".

- 1 Page 2, delete lines 31 through 33.
- 2 Renumber all SECTIONS consecutively.
(Reference is to HB 1422 as printed January 27, 2000.)

Representative Atterholt